IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 393 OF 2004

Shri Ajit Shankar Kulkarni & Anr..... Petitioners.

Versus

Shri Swami Samarth Gajanan
Maharaj Bhakat Mandal & Ors..... Respondents.

Mr. R. V. More for the Petitioners.

Mr. G.S.Godbole for Respondent Nos.1 and 2.

Mr. Nitin Deshpande, AGP for Respondent No.6.

CORAM : S. RADHAKRISHNAN &

S. A. BOBDE, JJ.

DATED : 25TH OCTOBER, 2004.

P.C.:

Heard the learned Counsel for the Petitioners, the learned Counsel for Respondent Nos.1 and 2 and the learned Assistant Government Pleader for Respondent No.6. Perused also the order passed by this Court dated 21st November, 2000 by the Division Bench in Writ Petition No. 424 of 1999 in Civil Application

No. 705 of 2000 pertaining to the very same dispute involved in this writ petition. By the said order, the Division Bench has very categorically held that the construction of the temple and meeting hall in the open space was totally illegal and contrary to the provisions of the M.R.T.P. Act and as such the said structure had to go.

2. Inspite of the said Division Bench order, till date both the said meeting hall as well as Hanuman temple have not yet been removed. After hearing parties for some time, learned Counsel for Respondent Nos.1 and 2 on instructions from Respondent No.2, who is personally present before the Court and who is President of Respondent No.1, categorically state that within a period of two months from today both the aforesaid illegal constructions, namely, the meeting hall as well as Hanuman temple will be removed entirely at their costs. We accept the aforesaid undertaking. The Respondent No.2 is directed to file in this Court the said undertaking in writing within a week from today.

3. In view of the aforesaid undertaking, we are not inclined to pass any further order. Writ Petition stands disposed of accordingly.

(S. RADHAKRISHNAN,J.)

(S. A. BOBDE, J.)